

ENTERED

June 05, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TEBTU SHEKEM’KHA BEY,

Plaintiff,

v.

OFFICE OF ATTORNEY GENERAL, *et*
al.,

Defendants.

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CIVIL CASE NO. H-23-1549

ORDER

Tebtu Shekem’Kha Bey has sued the “Office of Attorney General,” two state-court officers, and a state-court judge in an action apparently related to a child support order issued by the Harris County district court. Bey’s complaint is styled as “Notice to Court Objection Non-Statutory Common Law Writ of Quo Warranto Proceeding Challenging Jurisdiction of the Court to Issue Order of Support in Violation of Due Process.” The complaint allegations are unintelligible. In the section of the complaint entitled, “Relief,” Bey writes:

This court is sanctioned and limited by the state constitution and constitution for the United States and thereby must provide relief of discharging this matter for the court lacks the authority to force the undersigned plaintiff to participate in expedited processes that undoubtedly deprive inalienable rights secured by written constitutions.

(Docket Entry No. 1 at 11).

Bey was granted in forma pauperis status to file his complaint without prepaying the filing fee. The statute governing such cases states that the court “shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous . . . [or] fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(i)–(ii). A claim is frivolous if it lacks any arguable basis in law or fact. *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009). A complaint lacks an arguable basis in fact when the allegations are so “fanciful,” “fantastic,” and “delusional” as to be

“wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 219, 325, 328 (1989)). Bey’s complaint is unintelligible and, on its face, lacks any basis in law or fact.

The court dismisses Bey’s complaint without leave to amend because amendment would be futile. An order of dismissal will be separately entered.

SIGNED on June 5, 2023, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large loop at the end of the last name.

Lee H. Rosenthal
United States District Judge